

Message Text

SECRET

PAGE 01 STATE 199065 TOSEC 090014
ORIGIN NODS-00

INFO OCT-01 ISO-00 /001 R

DRAFTED BY D:WCHRISTOPHER
APPROVED BY D:WCHRISTOPHER
S/S:SGOLDSMITH

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FM SECSTATE WASHDC
TO USDEL SECRETARY AIRCRAFT IMMEDIATE
USDEL SECRETARY

S E C R E T STATE 199065 TOSEC 090014

NODIS
FOR TARNOFF FROM CHRISTOPHER

E.O. 11652:GDS

TAGS: OVIP (VANCE, CYRUS)

SUBJECT: JUSTICE GOLDBERG

1. IN YESTERDAY'S NIGHT NOTES THE ITEM ON JUSTICE
GOLDBERG CONTAINED THE FOLLOWING SENTENCE: QUOTE: AT
THE START OF NEXT YEAR THERE WILL BE A VACANCY ON THE
WORLD COURT WHICH WOULD BE FILLED BY AN AMERICAN.
UNQUOTE.

2. AFTER YOU DEPARTED, I REVIEWED THE UNSIGNED
MEMORANDUM HANDED ME BY THE SECRETARY REGARDING THE
WORLD COURT WHICH WAS APPARENTLY PREPARED BY GOLDBERG.
FROM THAT MEMORANDUM, IT APPEARS THAT THE QUOTED
SENTENCE FROM THE NIGHT NOTE IS INACCURATE. THE SO-
CALLED AMERICAN VACANCY ON THE WORLD COURT WILL NOT
EXIST UNTIL FEBRUARY 1979 WHEN PROFESSOR HARDY DILLARD'S
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TERM EXPIRES. I HAVE INDEPENDENTLY VERIFIED THAT DATE.

3. THE PAPER HANDED ME BY THE SECRETARY DOES REFER TO
REPORTS THAT PROFESSOR DILLARD MAY SEEK RETIREMENT THIS
YEAR. HOWEVER, THE REPORTS OF PROFESSOR DILLARD'S
RETIREMENT ARE SPECULATIVE, UNCONFIRMED, AND SUBJECT TO
THE HIGH RATE OF DISCOUNT WHICH MUST BE APPLIED TO

RETIREMENT REPORTS, ESPECIALLY REGARDING JUDGES.

DILLARD IS 75 AND NOT IN ROBUST HEALTH, BUT HAS BEEN DISCHARGING HIS DUTIES WHICH ARE NOT ONEROUS DUE TO THE COURT'S SLENDER CALENDAR.

4. WHEN CONVENIENT, WOULD YOU PLEASE ASK THE SECRETARY WHETHER HE DESIRES ANY CLARIFICATION MADE REGARDING THE NIGHT NOTE, OR WISHES TO LEAVE THE MATTER STAND UNTIL HIS RETURN.

5. WITHOUT PROLONGING THIS MESSAGE, I SHOULD ADD THAT THE PROCEDURE THROUGH WHICH THE PRESIDENT COULD AFFECT THE CHOICE OF PROFESSOR DILLARD'S SUCCESSOR (WHETHER HE RESIGNS OR HIS TERM EXPIRES) IS CUMBERSOME AT BEST AND FILLED WITH PITFALLS. IT COULD INVOLVE REMOVING FOUR REPUBLICAN APPOINTEES WHO HAVE POWER TO NOMINATE DILLARD'S SUCCESSOR AND WHOSE TERMS WILL NOT EXPIRE UNTIL 1981.

CHRISTOPHER

SECRET

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TOSEC, COURTS, PERSONNEL APPOINTMENTS, CAT-B
Control Number: n/a
Copy: SINGLE
Sent Date: 20-Aug-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE199065
Document Source: CORE
Document Unique ID: 00
Drafter: WCHRISTOPHER
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: P840072-1354
Format: TEL
From: STATE SS
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770840/aaaabhjz.tel
Line Count: 83
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 09b28457-c288-dd11-92da-001cc4696bcc
Office: ORIGIN NODS
Original Classification: SECRET
Original Handling Restrictions: ONLY
Original Previous Classification: n/a
Original Previous Handling Restrictions: NODIS
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: ONLY
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 06-Apr-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1537642
Secure: OPEN
Status: NATIVE
Subject: JUSTICE GOLDBERG
TAGS: OVIP, XX, (VANCE, CYRUS R), (GOLDBERG), (DILLARD, HARDY)
To: SECRETARY AIRCRAFT
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/09b28457-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009